

SUMMARY

ECJ 20 February 2024, case C-715/20 (X (Absence de motifs de résiliation)), effective remedy

K.L. – v – X, Polish case

Summary

A fixed term worker must be informed of the reasons for the termination of his or her employment contract where the provision of such information is required for a permanent worker. National legislation which provides that the reasons for the termination must be provided solely to permanent workers, undermines the fundamental right to an effective remedy. A national court is required to disapply, in so far as necessary, national legislation where it is not possible for that court to interpret it in a way which is consistent with EU law. The ECJ's summary of the case can be found [here](#).

Question

Must clause 4 of the framework agreement on fixed-term work be interpreted as precluding national legislation under which an employer is not required to state, in writing, the reasons for the termination of a fixed-term employment contract with a notice period, although it is bound by such an obligation in the event of termination of an employment contract of indefinite duration, and whether that clause may be relied on in a dispute between individuals?

Ruling

Clause 4 of the framework agreement on fixed-term work must be interpreted as precluding national legislation according to which an employer is not required to state, in writing, the reasons for the termination of a fixed-term employment contract with a notice period, although it is bound by such an obligation in the event of termination of an employment

contract of indefinite duration. The national court hearing a dispute between individuals is required, where it is not possible for it to interpret the applicable national law in a way which is consistent with that clause, to ensure, within its jurisdiction, the judicial protection which individuals derive from Article 47 of the Charter of Fundamental Rights of the European Union and to guarantee the full effectiveness of that article by disapplying, in so far as necessary, any contrary provision of national law.

Creator: European Court of Justice (ECJ)

Verdict at: 2024-02-20

Case number: C-715/20